

Minutes of the Proceedings of the City Council of the City of Champlin in the County of Hennepin and the State of Minnesota  
Pursuant to Due Call and Notice Thereof

Regular Session  
June 9, 2014  
Municipal Center

- Call to Order                   The Champlin City Council met in Regular Session and was called to order by Mayor ArMand Nelson at 7:00 p.m.
- Pledge of Allegiance        The Pledge of Allegiance was recited.
- Roll Call                       Present were Mayor ArMand Nelson and Councilmembers Eric Johnson, Ryan Karasek, Bruce Miller, and Kara Terry.
- Absent: None.
- Also present were City Administrator Bret Heitkamp, Community Development Director John Cox, City Engineer Tim Hanson, Assistant City Engineer Todd Tuominen, Finance Director June Johnston, City Planner Scott Schulte, City Attorney Scott Lepak, and City Clerk Roberta Colotti.
- Approval of Agenda  
(June 9, 2014)  
Motion                        Mayor Nelson requested to add Item #4A to the Consent Agenda "Resolution No. 2014 – 50 Requesting Funding from MnDOT Through the Municipal Agreement Program".
- Motion by Councilmember Karasek and seconded by Councilmember Terry to approve the agenda for the June 9, 2014 Regular Meeting as amended. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry. Voting against: none. Motion carried.
- Approval of Minutes  
Motion                        Motion by Councilmember Miller and seconded by Councilmember Karasek to approve the minutes of the May 27, 2014 Regular Meeting as presented. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry. Voting against: none. Motion carried.
- Approval of Bills  
(June 9, 2014)  
Motion                        Motion by Councilmember Johnson and seconded by Councilmember Terry to approve the bills as submitted for payment on June 9, 2014. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry. Voting against: none. Motion carried.
- Announcements             Mayor Nelson made the following announcements:
- Economic Development Authority Worksession – Monday, June 23<sup>rd</sup> at 5:45 p.m. in the Council Conference Room.
  - Council Worksession – Monday, June 23<sup>rd</sup> at 6:30 p.m. in the Council Conference Room.
  - City Council Meeting – Monday, June 23<sup>rd</sup> at 7:00 p.m. in the Council Chambers.
  - Ribbon Cutting for the Andrews Park Splash Pad – Wednesday, June 25<sup>th</sup> at 6:30 p.m.
  - Champlin Business Networking Event – Thursday, June 26<sup>th</sup> from 7:30 a.m. to 9:00 a.m. at QCTV, 12254 Ensign Avenue.
- Special Presentations
- Recognition of  
Representative Uglem and  
Senator Hoffman for their  
Support of the Elm Creek  
Dam Funding                The Assistant City Engineer stated that in 2013, the City of Champlin applied to the State of Minnesota Management and Budget (MMB) for funding for the Elm Creek Dam. The City of Champlin requested funding via State Bond proceeds to assist in the funding to replace the Elm Creek Dam; along with the construction of Flood Mitigation in the area of the Elm Creek Dam.
- The Assistant City Engineer stated that during the 2014 State Legislative Session the Minnesota House of Representatives and State Senate approved the bonding bill that included the funding for the Elm Creek Dam in the amount of \$2.75 million. Both Representative Mark Uglem and Senator John Hoffman deserve an enormous amount of credit for their outstanding efforts as they were greatly influential in securing this funding appropriation. A tremendous level of effort and dedication was required over the last year to obtain this funding. As approved, the City of Champlin can now move forward with the Elm Creek Dam Project as identified.

Mayor Nelson thanked both Representative Uglen and Senator Hoffman for their efforts in working together to obtain this funding for the City of Champlin. He noted that this is the first time that the City has received any State bonding funds and stated that the City is very appreciative of their efforts.

Representative Uglen expressed his appreciation to Mayor Nelson and the City Council for their recognition this evening. He stated when he served as Mayor of Champlin this project had already been on the radar, He believes the project will be an important part of the riverfront development. He stated that the bill originated in the House and it was a challenging process to move it forward. He added that Senator Hoffman carried the companion bill through the Senate. He stated that he is happy that they were able to help the City of Champlin to secure the funding to complete these needed repairs.

Senator Hoffman noted that there is a battle for funds at the end of the session but working together they were able to secure the identified funding for Champlin. He stated that it is an honor to be a part of this process and that this may be the first time Champlin has received funding but it will not be the last. He believed that this is the time to get the project done and improve the floodplain. He thanked the City of Champlin and stated that he is proud to represent this area.

The City Administrator thanked Representative Uglen and Senator Hoffman.

The City Administrator stated that in addition to the legislative funding of this project there are a number of regulatory offices that are required to approve of this project. He then formally recognized Assistant City Engineer Todd Tuominen for his work to date in shepherding this project through the legislative and agency processes. He noted that the overall project budget is \$5 million of which the City will be directly responsible for approximately \$200,000.

Overview of the EDA and Council Worksession Discussions

The City Administrator reported that the City Council held a Worksession earlier this evening at which the 2015 Preliminary Budget guidelines were discussed. He stated that the City Council set forth guidelines for staff to use in preparing the preliminary budget for formal discussion and action.

The City Administrator reported that the Economic Development Authority (EDA) met with representatives from Cassidy Turley who will be representing the City and marketing the Mississippi Crossings project. He stated that the EDA provided review and comment on the draft marketing plan, noting that the marketing campaign will be launched in the near future.

#### Consent Agenda

Councilmember Miller requested to pull Item #4A, Resolution No. 2014-50 "Requesting Funding from MnDOT Through the Municipal Agreement Program", from the Consent Agenda for further discussion.

Authorize Change Order No. 2 for the 2013 Citywide Curb and Catch Basin Repairs (Improvement Project No. 21312)  
Motion

Motion by Councilmember Miller and seconded by Councilmember Terry to approve Change Order No. 2, in the amount of \$9,318.50 for the 2013 Citywide Curb and Catch Basin Repairs, Improvement Project No. 21312. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry. Voting against: none. Motion carried.

Ice Cream Vendor License for Winta Ice Cream (Fasil Agegnehu)  
Motion

Motion by Councilmember Miller and seconded by Councilmember Terry to approve the license for an Ice Cream Vending Truck, for the period of June 9, 2014 to March 31, 2015, for Winta Ice Cream subject to the following conditions:

1. Safety arm must be used at all times.
2. No vending operations are permitted within 500 feet of any public parks where concessions are sold or within 100 feet of any state or county road.
3. The vendor is required to wear an identification tag and display the license in the vehicle.

Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry. Voting against: none. Motion carried.

Resolution No. 2014-50  
Requesting Funding from  
MnDOT Through the  
Municipal Agreement  
Program  
Resolution 2014-50

Councilmember Miller asked for more information on the program.

The City Engineer advised that MnDOT has this program for which cities are eligible to submit projects for possible funding. He noted that MnDOT has a cap of \$650,000 for project construction and \$52,000 for inspection and design costs. He stated that this is simply to request funding for the improvements along Dayton Road and Miller Road, which would be the start of improvements for the TH 169 area and the improvements included in the Mississippi Crossings Development area.

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Requesting Funding from MnDOT Through the Municipal Agreement Program

The motion for the adoption of the resolution was duly seconded by Councilmember Karasek, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry, and the following voted against the same: none, whereupon said resolution was passed this 9<sup>th</sup> day of June 2014.

Open Forum

No comments made.

Public Hearings

The City Engineer provided background information on the Servant of Christ Lutheran Church property and a trail easement that was originally recorded in 1986. He identified the trail easement, which extends from Hayden Lake Road along the parking lot to Oak Creek Park, noting that there have been updates to the parking lot and trail system since that time and this easement is no longer needed. He advised that a new trail easement has been located over the existing trail. He stated that staff recommends vacation of the trail easement that was recorded.

Resolution No. 2014-47  
Approving the Vacation of  
a Perpetual Easement for  
Bike Lane and Walkways  
Recorded as Document  
No. 1712687 Filed with  
the Office of Registrar of  
Titles, Hennepin County,  
Minnesota on March 28,  
1986

Public Hearing

Mayor Nelson opened the public hearing at 7:21 p.m.

No comments were received.

Motion

Motion by Councilmember Johnson and seconded by Councilmember Terry to close the public hearing at 7:21 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry. Voting against: none. Motion carried.

Resolution 2014-47

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Approving the Vacation of a Perpetual Easement for Bike Lane and Walkways Recorded as Document No. 1712687 Filed with the Office of Registrar of Titles, Hennepin County, Minnesota on March 28, 1986

The motion for the adoption of the resolution was duly seconded by Councilmember Karasek, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry, and the following voted against the same: none, whereupon said resolution was passed this 9<sup>th</sup> day of June 2014.

Resolution No. 2014-48  
Approving the Issuance  
and Sale of an Assisted  
Living Facility Revenue  
Refunding Bond  
(Epiphany Assisted  
Living, LLC Project),  
Series 2014 of the City of  
Champlin, Minnesota, and

The Finance Director stated that Epiphany Assisted Living LLC, located on Hanson Boulevard in Coon Rapids, is attempting to refinance the development. The organization is tax exempt and is looking for bank-qualified bonds. She advised that the City of Champlin has the authority to issue up to \$10,000,000 in this type of bonds per year and advised that the City has no other plans to use that authority. She noted that the City of Coon Rapids has already used their authority and therefore cannot be involved in this bond issuance, which is why Champlin has been approached. She recommended that the Council approve the request.

Authorizing the Execution  
of Documents Relating  
Thereto

Public Hearing

Mayor Nelson opened the public hearing at 7:25 p.m.

No comments made.

Motion

Motion by Councilmember Johnson and seconded by Councilmember Miller to close the public hearing at 7:25 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry. Voting against: none. Motion carried.

Councilmember Miller questioned the risk to the City.

The Finance Director advised that there would be no risk to the City as they are not general obligation bonds but revenue bonds.

Mayor Nelson agreed that there would be no risk for the City and the City would receive some funds.

Resolution No. 2014-48

Councilmember Johnson introduced the following resolution and moved its adoption:

A Resolution Approving the Issuance and Sale of an Assisted Living Facility Revenue Refunding Bond (Epiphany Assisted Living, LLC Project), Series 2014 of the City of Champlin, Minnesota, and Authorizing the Execution of Documents Relating Thereto

The motion for the adoption of the resolution was duly seconded by Councilmember Miller, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry, and the following voted against the same: none, whereupon said resolution was passed this 9<sup>th</sup> day of June 2014.

Review 2013 National  
Pollutant Discharge  
Elimination System  
Program; and

The Assistant City Engineer stated that the City of Champlin is currently operating under a General Storm Water Permit from the Minnesota Pollution Control Agency (MPCA). This permit is referred to as the National Pollutant Discharge Elimination System (NPDES) Phase II Permit. Each year, the City is required to conduct a public meeting to educate the public and allow citizens an opportunity to comment on the existing Storm Water Pollution Prevention Program (SWPPP) and the progress towards reaching the required measurable goals. This is the eighth year under the NPDES II Permitting Program.

2013 Environmental  
Resources Commission  
Annual Report

The Assistant City Engineer stated that as part of the 2013 Public Outreach, the Environmental Resources Commission (ERC) took on a large role in meeting our NPDES goals. The ERC and City staff worked with the West Mississippi Watershed District on the Earth Day Clean-up and sponsored the 2013 Metro Blooms speaker. The ERC also conducted the Annual Spring Cleanup Day. The (ERC) provided a grant program for residents to construct native plantings and rain gardens. They continued to work promoting recycling, and operated the informational booth at the City's Farmers Market. Attached is the ERC 2013 Annual Report.

The City Clerk introduced the ERC Chair Joseph Kallstrom and Commissioner Brian Martenson who were present for the report. She stated that the Commission currently has eight members. She presented a report on the environmental outreach and events held by the Commission, provided an overview of the refuse & recycling program including yard waste management, and detailed the grant projects sponsored by the ERC.

The Assistant City Engineer continued to review the minimum control measures including illicit discharge detection and elimination, construction site storm water runoff control, post construction storm water management and pollution prevention and good housekeeping. He stated that as additional TMDL's are developed there will be additional Best Management Practices (BMP), noting that additional work with the Watershed will be completed. He reviewed the current states of the City's MS4 permit and the timeline for the near future, noting that work on the new permit coverage will begin in July.

Public Hearing

Mayor Nelson opened the public hearing at 7:43 p.m.

No comments were received.

Motion

Motion by Councilmember Terry and seconded by Councilmember Miller to close the public hearing at 7:43 p.m. Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry. Voting against: none. Motion carried.

Councilmember Miller commended the ERC for all the hard work they do each year. He asked about the trend in the number of appliances being collected each year for recycling.

The City Clerk stated while the report being presented is for the year 2013, looking at the numbers from the event held this May there was a significant increase in participation because the City was able to offer the service at no cost to participants due to a new vendor agreement in 2014.

Councilmember Miller asked for additional information on the new storm water permit for MS4 cities, specifically related to the regulations and the costs to the City, which he identified as unfunded mandates. He stated that he finds unfunded mandates to be very frustrating, especially as the City is already attempting to stretch dollars in the budget.

The Assistant City Engineer agreed that staff does have concern with the additional regulation, noting that the annual cost for staff and consultant time would increase from approximately \$50,000 to \$65,000. He noted that the League of Minnesota Cities Storm Water Coalition is continuing to work on this issue in an attempt to assist cities with this process.

Councilmember Johnson also commended the ERC for their efforts and work within the City of Champlin.

Councilmember Johnson asked if staff believed that the costs associated with the storm water permit would decrease after the initial work is completed.

The Assistant City Engineer did not believe that the costs would decrease; noting that once the initial work is completed there would be additional monitoring and inspection, along with maintenance projects that would be needed.

Councilmember Johnson cited the report showing the decrease in the amount of refuse brought to the Hennepin County transfer station by the City since the implementation of the single sort recycling program in 2011 and asked if staff anticipated this number to continue to decrease.

The City Clerk stated that while the number has been decreasing it is starting to stabilize. She stated that the best options for continuing to decrease the amount of refuse is through public education and future program changes such as incorporating organics recycling into the service offerings.

Councilmember Karasek echoed the comments made by Councilmember Miller regarding frustration with unfunded mandates.

Councilmember Karasek thanked the ERC for their efforts, noting that he was able to participate in the 2014 Spring Recycling Drop-off Event. He commended the ERC for the time they dedicate to the City.

Councilmember Karasek commended the Assistant City Engineer for his work with NPDES and other projects, noting that he continually goes above and beyond and works hard for the City.

Councilmember Terry noted that there were no ERC representatives from Ward 4 and she inquired about the status of the remaining open seat on the Commission.

The City Clerk stated that City Code identifies that there should be at least two representatives from each of the four wards, but provides an option to appoint a person to represent the City At-Large if a ward seats remains vacant for a certain period of time. She stated that one of the Ward 4 seats has been filled by an At-Large representative. She stated that the remaining open seat is identified as a Ward 4 seat. She stated that residents of Ward 4 who are interested in serving are encouraged to contact the

City Office for an application or download the application from the City's website.

New Business

Resolution No. 2014-49  
Approving a Conditional  
Use Permit to Excavate in  
Excess of 150 Cubic  
Yards of Material at  
10974 Mississippi Drive

The City Planner reported that the property located at 10974 West River Road currently has a five-foot concrete retaining wall which is deteriorating. He estimated that the wall was constructed in the mid-1970s. He stated that the applicant is requesting to replace the deteriorating retaining wall with a new terrace boulder retaining wall. He displayed a sketch of the project plans and advised that additional support is planned. He highlighted benefits noting that the project will provide a more natural look along the river and will meet the requirements of the City.

The City Planner advised that the DNR was required to review the project, but does not issue a permit, noting that recommendations were included that match those of staff. He advised that the Planning Commission held a public hearing on May 19<sup>th</sup> and recommended unanimous approval of the Conditional Use Permit (CUP) subject to the conditions noted in the report.

Councilmember Miller expressed his support for this project and stated that he believes the proposed project will be an improvement from the existing structure.

Councilmember Karasek agreed that a project of this nature, which improves the aesthetics and erosions control effectiveness, not only increase a home's value but also enhances the river area.

Resolution 2014-49

Councilmember Miller introduced the following resolution and moved its adoption:

A Resolution Approving a Conditional Use Permit to Excavate in Excess of 150 Cubic Yards of Material at 10974 Mississippi Drive

The motion for the adoption of the resolution was duly seconded by Councilmember Johnson, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry, and the following voted against the same: none, whereupon said resolution was passed this 9<sup>th</sup> day of June 2014.

Ordinance No. 739  
Amending Section 126-7  
of the Zoning Ordinance  
Regarding Lots of Record  
Motion

The City Planner presented Ordinance No. 739 Amending Section 126-7 of the Zoning Ordinance Regarding Lots of Record. He reported that this Ordinance was given first reading by the Council on May 12, 2014.

Councilmember Karasek introduced the following ordinance and moved its adoption:

An Ordinance Amending Section 126-7 of the Zoning Ordinance Regarding Lots of Record

The motion for the adoption of the ordinance was duly seconded by Councilmember Miller, and upon vote being taken thereon, the following voted in favor thereof: Mayor Nelson, Councilmembers Johnson, Karasek, Miller and Terry, and the following voted against the same: none, whereupon said ordinance was passed this 9th day of June 2014.

Ordinance Amending  
Chapter 22 of the City  
Code Setting a Planning  
Application Fee for Lot  
Splits of Previously  
Combined Lots Subject to  
Certain Qualifications

The City Planner presented an ordinance amending the fee schedule related to lot splits for previously combined single family residential lots of records that fall within 70 percent of the single family lot requirements. He recommended that the fee be set at \$900. He reported that the cost for a lot split of a conforming lot is \$500. He stated that the higher fee is recommended to cover the additional time involved in verifying the qualifying criteria as well as researching pertinent information such as park dedication requirements, deferred assessments and existence of City utility service.

The City Planner requested that the City Council waive first reading, give second reading and adopt the ordinance.

The property owner Don Vry requested that the City Council not adopt the fee schedule as he had already invested significant time and resources into moving this project forward. In addition he was under the understanding that his project would be the only one in the City to qualify for this type of lot split. Mr. Vry requested that the City identify a timeline for processing his lot split request.

Mayor Nelson requested that staff outline the process to date.

The City Planner confirmed that this has been a lengthy process, mainly due to the discussion surrounding whether this is a single lot of record or two separate lots. He stated that Hennepin County has recorded that the two lots were combined into one lot of record. He stated that staff believes that the amended lot split process is the best method to resolve the issue. He noted that the recommended cost would be to reimburse the staff time that is associated with this request. He referenced the timeline and noted that if approved this could move forward to the next Planning Commission meeting and come back before the Council the next month.

Mr. Vry explained that these lots, if combined, were not requested to be combined by the property owner at that time and the combination was done by the County Assessor. He stated that this process has been long enough and noted that he would not necessarily be happy to follow the process but will if that is what is needed. He did not believe that he should have to pay an additional \$900 fee.

Councilmember Johnson stated that he believed that the fee should remain at \$500 and any further amendment to the fee could be made in the future if necessary.

The City Attorney explained that the amended Ordinance would only be necessary if the fee is going to be changed. He noted that the Council would not need to approve this amendment if the desire is to keep the fee at \$500.

Councilmember Karasek questioned if this application could be excluded from the proposed fee with implementation of the higher fee to occur after that time.

The City Attorney noted that action could be delayed until this application is complete and the Ordinance could be approved at a later date.

Motion to Deny Request  
to Adopt Ordinance

Motion by Councilmember Miller and seconded by Councilmember Terry to deny the staff request to adopt "An Ordinance Amending Chapter 22 of the City Code Setting a Planning Application Fee for Lot Splits of Previously Combined Lots Subject to Certain Qualifications". Voting in favor were Mayor Nelson, Councilmembers Johnson, Karasek, Miller, and Terry. Voting against: none. Motion carried.

Adjournment

The Champlin City Council adjourned the regular meeting at 8:19 p.m.

Attest:

\_\_\_\_\_  
ArMand Nelson, Mayor

\_\_\_\_\_  
Roberta Colotti, CMC, City Clerk